

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.O.C.P. No.1708 of 2003
Date of Decision:- 18.12.2006**

Surender Kumar Gupta & anr.

....Petitioner(s)

through
Mr.Sudhir Aggarwal, Advocate.

vs.

Dr.Harbaksh Singh & ors.

....Respondent(s)

through
Mr.A.K.Pathania, Advocate.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

SURYA KANT, J.(Oral)

This contempt petition has been filed, *inter alia*, alleging that the respondents have wilfully violated interim order dated September 11, 2003 passed by this Court in C.W.P.No.14436 of 2003. Vide the aforementioned interim order, interim directions were issued in the same terms as in C.W.P.No.10410 of 2003.

In C.W.P.No.10410 of 2003, dispossession of the petitioner was stayed. Resultantly, vide interim order dated September 11, 2003 referred to above, dispossession of the petitioner from the subject land also stands stayed.

Alleging that despite the above-stated interim order, the petitioner was allegedly dispossessed by the respondents, this contempt petition has been filed.

In response to the show cause notice, an affidavit has been filed by the first respondent in which it is alleged that much before the passing of the interim order dated September 11, 2003, the land had already been acquired and the acquisition award had been passed on 22.7.2003.

It is further averred that in terms of the award passed by the Land Acquisition Collector, the possession of the subject land had been taken on 11.8.2003. It is also averred in the affidavit that in addition to the land of the petitioners, the adjoining land was also acquired and possession of the other acquired land was also taken on the same day. Compensation for all the acquired land was duly deposited vide cheques, the details of which are given in para 4 of the affidavit.

Prima facie, it is, thus, apparent that on the date when the dispossession of the petitioners was stayed by this Court, they were no longer in possession of the subject land which already stood acquired and vested in the Authorities concerned.

Consequently, I do not find any merit in this petition which is accordingly dismissed.

Rule discharged.

December 18, 2006
poonam

(SURYA KANT)
JUDGE